

MINUTES OF THE MEETING
OF THE
BOARD OF DENTISTRY

July 15, 2005

ROLL CALL

The meeting of the Board of Dentistry was called to order at 7:56 a.m. by Paul Tamisiea, Chairperson, in the Staybridge Room of the Staybridge Suites, 2701 Fletcher Avenue, Lincoln, Nebraska. The agenda was sent to the Board members and other interested parties prior to the meeting. The following members answered the roll call:

Paul E. Tamisiea, DDS, Chairperson
John P. Giddings, DDS, Vice-Chairperson
Jane Stratman, RDH
Sam Jacoby, DDS
Jane Lott, RDH
David Mlnarik, DDS
James P. Murphy, DDS
Joan Sivers, DDS
Doris M. Schrader, Secretary
Judith Kissell

Absent: NONE

Present from the Credentialing Division was Becky Wisell, Section Administrator and Meegan Dyrland, Credentialing Specialist; Lisa Anderson, Assistant Attorney General; Michael Grutsch, Program Manager and Larry Wiehn, Investigator from the Investigations Division. Also present representing the Board of Health was Gary Westerman, DDS.

ADOPTION OF AGENDA

Mlnarik moved, seconded by Giddings, to approve the agenda with ability for the Chairperson to rearrange as necessary. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

APPROVAL OF MINUTES

April 14, 2005

Tamiseia moved, seconded by Mlnarik, to approve the minutes from the April 22, 2005 meeting. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

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INVESTIGATIONAL REPORTS – CLOSED SESSION

Jacoby moved, seconded by Stratman, to go into closed session at 8:00 a.m. for the purpose of hearing investigational reports and compliance monitoring report. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Jeff Newman entered the meeting at 8:05 a.m.

Jacoby recused himself from discussion at 8:30 a.m.

Ruth Schuldts entered the meeting at 9:26 a.m.

Jacoby rejoined the meeting at 10:00 a.m.

The Board returned to open session at 11:11 a.m.

DISCIPLINARY INFORMATION

Actions Taken/ Pending

It was noted that Stacey Sipe, DDS was omitted from the report. There is an Agreed Settlement pending.

UNFINISHED BUSINESS

Practice Act Changes

Wisell introduced Theresa Hampton from the Legal Dept of HHSS.

Jacoby discussed meeting held by this subcommittee. Giddings moved, seconded by Mlnarik, to take out Section 71-184. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried. Sivers discussed possibly removing “XXX” and combining with Section 71-185.

Kent Powers entered the meeting 12:40 p.m.

LEGISLATION

ULL Rewrite

Mlnarik attended the All Board Meeting and discussed the difference between Letters of Concern and Assurances of Compliance.

NEW BUSINESS

Practice Requirements for Reinstatement from Inactive Status

Kent Powers, DDS came to discuss his reinstatement and how the recent changes to the regulations are restricting him from reinstating his license. He has been living in California and is now returning to Nebraska because UNMC wants him as a faculty person.

UNFINISHED BUSINESS

Enteral Conscious Sedation

Tamisiea discussed this topic and stated he left the copies for the board on his desk. The sub-committee has spoken with Dr. Gerstner and Oral Surgery representatives as well as a general practitioner who have used Conscious Sedation. They felt that the department does not see the issue on the same level as the practitioners. Wisell stated that because of the volume of legislation and the higher priority of other bills within the Health and Human Services System, this bill was not introduced. The current draft will be used as the proposal. Tamisiea will contact Coover on the Brochure.

Expanded Duties for Dental Assistants

Murphy discussed possible routes for credentialing Dental Assistants. Tamisiea suggested one route might be a one-time certification. Murphy stated that the different levels are a source of confusion and that a suggestion should be made to the NDA committee to simplify the proposal and not have so many levels. There still needs to be "On the Job Training (OJT)" level and one level for expanded duties. It was discussed that this proposal should be pursued as the Department currently regulates the x-ray and coronal polishing certifications. Stratman stated that dental assistants with expanded functions should be accountable and, possibly, a level of education should be required. These issues will be referred back to the sub-committee.

Alternatives for Expanding CE Acceptance

Giddings reported the research he had done on surrounding states CE requirements. Giddings moved, seconded by Jacoby, to keep the requirements at 30 CE with a maximum of 5 hours given to a part-time instructor. Gary Westerman, DDS, also wanted to encourage dentists and hygienists to take courses in dental error/ethics, record-keeping, your specialty and public health. No practice management is allowed. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried. It was suggested that this information be communicated to licensees through the newsletter.

Members Who Attended All Health Care Related Bd Member Meeting

Nominations for Appointments to any CRDTS Committees

Giddings moved, seconded by Stratman to nominate Jane Lott for the Steering Committee. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Management of Board Meetings

The board wanted to establish a cut-off time for receiving information. Schrader moved, seconded by Jacoby to have the agenda two weekends prior to the meeting with a deadline of 3 weeks before the meeting information received at the Credentialing Division office. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried. The board also decided to keep the frequency of the board meeting to quarterly.

FINANCIAL REPORT

Wisell summarized the expenditures and revenues balances as of June 2005. At the next board meeting, it will be discussed whether to increase or keep the renewal fees the same.

LEGISLATION

Wisell discussed which bills would affect dentistry, LB 382-Electronic Signatures on Prescriptions and LB 306-Criminal Background Checks. Wisell also discussed what bills might be submitted for the 2006 Legislative Session.

Enteral Conscious Sedation

The board would like last year's letter to be shared with the cabinet to refresh them on the Board's feeling about why this bill is important.

NEW BUSINESS CONT'D

Board of Health Representative

Gary Westerman, DDS, discussed the role of the Board of Health (BOH), which includes reviewing and approving regulations, the 407 credentialing review process, and appointing members to each of the 24 individual boards. The Board of Health meets at least 6 times per year. There are 2 positions expiring on the Board of Dentistry (Sivers and Giddings). Dr. Westerman highly encourages applicants for these 2 positions to be members of organized dentistry (ADA, NDA). The deadline is August 1st. Interviews will be conducted in North Platte in September and in Lincoln in October. Each Board of Health member is expected to participate in their own professions' Board at least one time each year. The BOH would like to invite the Board Chairs to meet with them to have open dialogue.

American Association of Endodontists Proposed Revised Definition of Endodontics

No comments were made.

Training Brochure on Anxiolysis

Provided as followup.

ADEX Agreement

Wisell stated that the legal department would have to review this because it involves the department. There is a \$100 membership fee. Sivers stated that this fee has been assessed to establish a working budget and a token amount to say they are committed to the organization. The Board asked to have the results of the legal review sent to them as soon as they are complete. The exams are starting in September.

APPLICATION REVIEW – CLOSED SESSION

Mlnarik moved, seconded by Sivers to go into Closed Session at 3:24 p.m. for the purpose of discussing applications for licensure. . Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

The Board returned to Open Session at 3:34 p.m.

Application(s) for Licensure and/or Reinstatement

Mlnarik moved, seconded by Stratman, to approve the application of Heidi Mihovk. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Giddings moved, seconded by Lott, to approve the application of Josh Browser. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried. It was mentioned to make sure he obtained a permit if he is going to do IV Sedation.

Murphy moved, seconded by Mlnarik, to approve the application of Alice Teachout, contingent on meeting the rest of the requirements for licensure and checking on the CE and on practice hours. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Application for Approval of Local Anesthesia Course(s)

Lott moved, seconded by Sivers, to deny the Colby Community College local anesthesia course, due to not enough didactic hours. Voting aye: Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: Giddings. Motion carried.

Advertising in Dentistry

Bob Roesch was concerned about some ads that implied superiority and offices that call themselves institutes. Lisa Anderson stated that it would very hard to prove if that's the only allegation. The Board asked if there could be something in the newsletter about what the Department thinks is ok for advertising and how a person could file a complaint. Regarding "sleep" dentistry and false advertising, the Board would encourage those that have concerns to file a complaint and let it runs its course.

Laser Dentistry

Like any other new technology, they should obtain training for entry level use of them. Sivers stated she was comfortable staying with just a recommendation and the Board agreed. A dentist or dental hygienist should obtain the Standard Proficiency Certification prior to using the laser. Sivers moved, seconded by Giddings to keep the prior Board position as a recommendation and put it in the newsletter. Voting aye: Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: Giddings. Motion carried.

GENERAL INFORMATION

Schrader moved, seconded by Sivers to add changing the regulations regarding Reinstatements to New Business for the October meeting. Voting aye: Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: Giddings. Motion carried.

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Sivers moved, seconded by Giddings to send Jane Lott to the Steering Committee meeting in September as an observer and the Board pays for travel. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Sivers moved, seconded by Giddings to support sending Schrader to the Citizen Advocacy Center meeting if she would like to go. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

The AADE Annual meeting deadline is coming up in August. Wisell will email the board regarding travel approval.

Tamisiea asked Sivers about the new CRDTS executive director. She stated that the former director resigned. Sivers commented that the new executive director does not have a dental background and seems very energetic and enthusiastic. He will be at the upcoming CRDTS exam in Minnesota.

ADJOURNMENT

Murphy moved, seconded by Stratman, to adjourn the meeting at 4:42 p.m. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Doris M. Schrader".

Doris Schrader, Secretary
Board of Dentistry